
Legislative Program Review
and Investigations Committee

Child Support Enforcement System

Annual Performance Review

(C.G.S. 17-578(n))

April 1993

CHILD SUPPORT ENFORCEMENT SYSTEM PERFORMANCE 1993 FINDINGS AND RECOMMENDATIONS

Section 17-578(n) of the Connecticut General Statutes requires the Legislative Program Review and Investigations Committee to review the performance of all components of Connecticut's child support enforcement, or IV-D,¹ system by April first each year. The main purpose of this review is to: a) determine whether the state is in compliance with performance standards established to address federal and state mandates regarding child support enforcement activities; and b) if noncompliance is found, develop legislative proposals to correct such deficiencies.

Findings from this year's review are summarized below. Also presented are recommendations for legislative changes in the review and reporting of IV-D system performance, which the committee adopted on April 13, 1993. More detailed information regarding the committee's mandate, IV-D system performance standards and the current status of the state child support enforcement activities is provided in the attached appendix.

FINDINGS

As in prior years, the program review committee staff found available data are insufficient for fully assessing compliance with established child support enforcement performance standards. The committee receives, as required by law, quarterly reports detailing activities related to the standards from the Department of Human Resources (DHR), the current state IV-D agency. However, the information contained in these reports is incomplete and may be unreliable.

Data on a number of performance standards--those related to enforcing support orders, for example--have yet to be compiled through the IV-D automated information system and included in these reports. Duplication and inconsistencies between paper files and automated records were revealed by a recent DHR quality assurance review of a sample of child support enforcement cases. More extensive and accurate performance information is expected in the future, but depends on continued improvement of the IV-D computer system. Until better data are developed, efforts to determine the level of compliance with established performance standards will remain limited.

Based on quarterly reports received by the program review committee to date, it is clear the state is not in substantial compliance² with many performance standards that are tracked

¹ IV-D refers to the portion of the federal Social Security Act related to child support enforcement. Title IV-D, as enacted in 1975 and subsequently amended, sets minimum standards for state programs and authorizes partial federal reimbursement of state operating costs.

² Substantial is defined by federal and state regulations as achieving compliance in 75 percent or more cases.

now. According to DHR, overall compliance rates for each agency involved in the system, *excluding* consideration of enforcement activities, for the period July to September 1992 were: Department of Human Resources (AFDC/TXIX cases) 63 percent; Judicial Branch Support Enforcement Division (SED) (intrastate cases) 71 percent; SED (interstate cases) 75 percent; Bureau of Collection Services 93 percent; and Attorney General 72 percent. Agency roles and individual performance standards are described more fully in the appendix.

Both the legislature and DHR are attempting to address deficiencies in IV-D system performance. Major changes intended to improve the child support enforcement system were mandated last year in conjunction with the legislature's human services reorganization efforts (Special Act 92-20). At present, legislation to implement a realignment of child support enforcement functions and to increase staffing is pending before the General Assembly. The human resources department recently initiated its own quality assurance project intended to evaluate performance, identify deficiencies, and implement corrective actions in anticipation of upcoming federal audits of its IV-D activities.

RECOMMENDED ACTION

Given the developments outlined above, it seems unnecessary to commit program review committee resources to recommending more legislation at this time. Improvements to the IV-D system have been proposed and significant restructuring of the program is likely to occur by July. In re-examining the purpose for the committee's role in reviewing the IV-D system, several alternatives for achieving continual oversight of child support enforcement performance were identified. *Therefore, the program review committee recommends amending current state statutes to delete the following requirements:*

1) the program review committee annually review the performance of the child support enforcement system and upon a finding of failure to meet established performance standards propose legislation to address such deficiencies (C.G.S. Sec. 17-578(n)); and

2) the IV-D agency submit quarterly reports on activities related to the established performance standards to the program review committee (C.G.S. Sec. 17-578(m)).

These statutory provisions apparently were intended to establish a mechanism for reviewing the IV-D system and formulating corrective legislation on an ongoing basis. In general, the program review committee believes regular monitoring of child support enforcement performance is most appropriately handled by the committees of cognizance and through the appropriations process. If concerns arise, the program review committee is always available to conduct a comprehensive study of specific issues.

For the most part, performance data contained in the quarterly reports submitted to the program review committee are compiled by the IV-D agency to meet federal requirements as

well as for internal management purposes. The same type of information would be available to interested parties, such as the human services and appropriations committees, even if the statutory requirement for quarterly reporting were eliminated.

In the opinion of the program review committee, the data now reported quarterly are best suited for monitoring whether the state is at risk of federal sanctions. This is because performance standards now tracked primarily concern acceptable processing times for federally required actions rather than program outcomes. For a number of years, the Department of Human Resources, at its own initiative, has distributed an annual report on child support enforcement accomplishments (e.g., collections by type of case and method, estimated public assistance cost savings, etc.) to members of the General Assembly. The program review committee believes a report of this nature combined with annual information on performance standard compliance would benefit legislative oversight of the state's child support enforcement efforts. *Therefore, it is recommended that legislation be proposed to enact the following:*

Each year, on or before January 1, the IV-D agency shall submit to the committees of cognizance and other interested parties a report on execution of the child support enforcement program, including the status of compliance with established performance standards, during the preceding fiscal year.

APPENDIX

LEGISLATIVE PROGRAM REVIEW AND INVESTIGATIONS COMMITTEE CHILD SUPPORT ENFORCEMENT SYSTEM PERFORMANCE REVIEW: APRIL 1, 1993

Since 1990, the Legislative Program Review and Investigations Committee has been required by law to annually review the performance of the Connecticut's child support enforcement or IV-D system. Findings from the committee's review for 1993 are discussed below. An overview of the legislation mandating this review and a brief description of the IV-D system are presented first as background information.

LEGISLATIVE BACKGROUND

Under legislation enacted in 1990 (Public Act 90-213), the program review committee is required on or before April first of each year to: review the performance of all components of the state's child support enforcement (IV-D) system and "...upon a finding of failure to meet performance standards...propose legislation designed to address all such deficiencies." (See C.G.S. Section 17-578(n).) The performance standards referenced in the law concern mandatory provisions of both state and federal laws and federal regulations concerning child support. In general, these provisions require that certain activities--from locating parents to processing support payments--be carried out within specific timeframes.

Public Act 90-213 also authorized the human resources commissioner to adopt emergency regulations establishing performance standards to address federal and state mandates as well as "...additional standards that may be deemed necessary in order to enhance child support enforcement." The act further required the state's IV-D agency, currently the Department of Human Resources, to submit quarterly reports detailing its activities related to performance standards to the program review committee. Under the act, agencies that assist in administering the child support program (i.e., the Attorney General's office, the support enforcement division of the judicial branch, and the state bureau of collections) must report statistical data reflecting their efforts to meet relevant performance standards to the IV-D agency, also on a quarterly basis.

SYSTEM OVERVIEW

Under the provisions of Title IV-D of the federal Social Security Act, child support enforcement is a joint effort of federal and state governments. States are required to provide a number of services intended to secure financial support from absent parents. In addition, support enforcement services must be provided to public assistance recipients as well as to other custodial parents regardless of income level. The types of required IV-D services include:

- establishing paternity;

- locating absent parents;
- establishing support obligations;
- enforcing support orders; and
- collecting and distributing support payments.

The costs of state child support operations are shared by the federal government. The current federal funding rate is 66 percent.

In 1988, federal family support legislation established performance and processing standards--essentially timeframes for intake, enforcement of support orders, and imposition of income withholding functions--for all states. States that fail to meet these standards are subject to federal financial penalties. To date, at least 10 jurisdictions have been sanctioned for failure to operate within federal performance standards. Sanctioned states, however, are appealing. In addition, state efforts to revise the federal standards to make them more outcome oriented are underway nationwide.

Roles and responsibilities. Federal law requires that administrative authority for child support enforcement be placed in a single state agency. Among the designated IV-D agency's duties is development of a state plan that must be submitted for federal approval. In Connecticut, the IV-D agency at present is the Department of Human Resources. Under recently enacted human services reorganization legislation, support enforcement activities in the future will be handled by the new Department of Social Services.

At present, the Bureau of Child Support Enforcement (BCSE) of the human resources department, staffed by over 200 administrative and investigatory employees, has primary responsibility for implementing the state IV-D program. Under cooperative agreements with BCSE, several other agencies carry out certain legal, judicial, and collections functions related to support enforcement. These agencies include: the Attorney General's Office (AG); the Support Enforcement Division (SED) of the Judicial Department; and the Bureau of Collection Services (BCS) of the Department of Administrative Services. Current agency duties are highlighted below.

Bureau of Child Support Enforcement: Prepare state and federal reports and assist in preparing the child support budget. Develop policies and procedures. Monitor functions statewide. Coordinate activities with cooperating agencies and other states. Perform central locator function. Administer IRS, state tax refund, and unemployment benefit intercept programs and prepare liens. At district offices located throughout the state, perform the following services for all public assistance clients: establish case; undertake local locate activities; investigate and determine absent parent ability to pay; secure agreement to support; initiate legal

action to secure court-ordered support; review and modify support orders; and pursue paternity. Refer clients other than public assistance recipients to courts for services.

Attorney General: Represent the IV-D agency in legal proceedings for obligation establishment, child support order modification, and paternity adjudication, and on all appeals. Provide legal advice to the IV-D agency. In interstate cases, act as the petitioner's representative.

Support Enforcement Division: Enforce all court orders in all child support cases. Handle all interstate cases. For non public assistance cases, perform preliminary locate activities, establish paternity and support obligations, and review and modify support orders. For all interstate cases, maintain a central registry that receives, distributes, and responds to inquiries.

Bureau of Collection Services: Process all child support payments and perform related functions (e.g., posting, deposit, etc.).

Several significant changes in state agency roles are anticipated to occur during 1993. Last year, under Special Act 92-20, the General Assembly mandated a reorganization of child support enforcement responsibilities:

that shall (1) consolidate all court-based enforcement functions for all child support cases in the support enforcement division of the judicial department and (2) consolidate all preobligation and establishment of support functions for all child support cases in the department of social services.

According to the act, the purpose of this reorganization is to promote better coordination of child support enforcement responsibilities and improve accountability and service to the public.

A bill to realign IV-D functions as mandated (Senate Bill 855) is pending legislative action at this time. Provisions of the bill are based on the transition plan prepared by the policy and management office, human resources department, and judicial branch pursuant to S.A. 92-20. In the future, if S.B. 855 is enacted, intake functions for all cases, regardless of status (i.e., public assistance recipient or not) will be carried out by social services department personnel while all court-based enforcement activities will be handled by judicial branch support enforcement division staff.

Finally, under a proposal contained in the governor's budget, support collection duties now performed by BCS would be privatized. The state would contract with a private vendor for a "lockbox" system to receive, deposit, and distribute all payments. It is further proposed that the state contract with a private collection service to address delinquent accounts. Increased staffing for child support enforcement functions is also recommended in current budget requests.

FY 92 activities. According to the IV-D agency's latest annual accomplishment report, there were over 156,000 active child support enforcement cases in Connecticut in state fiscal year 1992. About 70 percent (107,904) were public assistance program cases while the remainder (48,499) involved other clients. Child support collections for FY 92 totaled about \$104 million, approximately 40 percent of which went to public assistance cases and 60 percent to non public assistance IV-D cases.

1993 PERFORMANCE REVIEW FINDINGS

As required by law, the Department of Human Resources, the state IV-D agency, has adopted regulations that establish performance standards for mandated state and federal activities. The agency also submits, in accordance with statute, quarterly reports detailing activities undertaken to meet these standards to the program review committee. Performance information submitted to the committee, however, continues to be incomplete .

Current state regulations establish 46 child support enforcement performance standards. The most recent quarterly report received by the program review committee (July-September 1992) presents compliance data for only 17 standards. Table 1 summarizes the compliance status of each established performance standard based on DHR's July through September 1992 quarterly report. As the table indicates, the department's automated information system (CCSES) remains incapable of tracking any enforcement activities (e.g., efforts to follow up on delinquent payers, etc.) as well as a number of other required functions.

DHR concerns about the reliability of data reported through CCSES are shared by the program review committee. Problems with data entry and updating of automated records are often noted in the commentary that accompanies DHR quarterly reports. Incompatibility of various state computer systems and a lack of computer equipment in some agencies also are cited as factors contributing to inaccuracies in the IV-D database. In addition, periodic internal reviews have revealed duplicate records as well as inconsistencies between automated and paper case files.

Improving both the extent and accuracy of performance information is a high priority of the IV-D agency. Ongoing projects with the cooperating agencies and the DHR computer consultant are aimed at reconciling data and upgrading the automated information system. Installation of enhancements that allow tracking of enforcement activities occurred in January 1993 and the report for the quarter ending March 31, 1993, will include enforcement data. Until better data overall are developed, however, the ability to assess compliance with established standards will remain limited.

Available data do show that performance standards are not being met in many areas. According to the information summarized in Table 1, substantial compliance (defined as meeting standards at least 75 percent of the time) was achieved regarding only three standards that are tracked. Overall compliance percentages calculated by the support enforcement bureau for DHR

and each cooperating agency also indicate performance problems. For the third quarter of 1992, these ratings of agency performance, *excluding* consideration of enforcement standards, were: Department of Human Resources, 63 percent; Support Enforcement Division (intrastate), 71 percent; Support Enforcement Division (interstate), 75 percent; Bureau of Collection Services, 93 percent; and Attorney General, 72 percent.

The human resources department recently has undertaken a quality assurance (QA) project of its own, partly in anticipation of future federal audits of the state's child support enforcement performance. The quality assurance reviews conducted by DHR staff are intended to evaluate performance, identify deficiencies, and implement corrective actions. For a sample of cases, actual files will be examined and reviewers will determine whether all required actions have been taken in compliance with established standards. Thus, the QA process is expected to measure performance more accurately than the agency's automated system, which can only report on actions taken and entered in the database.

Preliminary quality assurance results based on a small but scientifically selected sample of current child support enforcement cases were reported to program managers in December 1992.¹ According to the agency's initial QA analysis, the state is in jeopardy of failing to meet federal standards, which could result in financial penalties. However, review and possible sanction of Connecticut's program is not expected anytime soon. Overall, federal compliance audits of state IV-D programs, which are supposed to occur at least every three years, are seriously behind schedule. Only one, covering 1987, has been done in Connecticut and the final document has yet to be released.

Measures to address deficiencies and avoid federal sanctions are being pursued by both the legislature and the executive branch. As noted above, legislation to reorganize child support enforcement responsibilities is under consideration. The mandated realignment along with proposed staffing increases and privatization, also discussed above, is expected to significantly improve performance and the likelihood of compliance with performance standards. In addition, a key purpose of the IV-D agency's new quality assurance process is to correct deficient performance.

¹ Initial review efforts focused on testing the agency's proposed quality assurance process with a subsample of a randomly selected, statistically representative sample of 318 cases. All records (automated and paper) from 53 cases were examined. Field work and staff interviews were also conducted. It was determined a total of 166 support enforcement actions should have been taken, 147 were actually taken, and 108 were taken in compliance with established standards. The reviewers concluded that the state achieved a compliance rate of 65.1 percent for the period July 1, 1991 to December 10, 1992, but noted results should be treated cautiously due to the small sample size and the fact that only 26 of the 46 standards were relevant to the cases examined.

TABLE 1. CURRENT CHILD SUPPORT ENFORCEMENT PERFORMANCE STANDARDS		
FUNCTION	REQUIRED TIMEFRAME	PERCENTAGE OF CASES IN COMPLIANCE (TOTAL NUMBER OF CASES) JULY-SEPT. 1992
ESTABLISH CASE		
1. Provide information to recipient	5 working days	not tracked (standard procedure)
2. Open IV-D Case (AFDC)	5 working days	automated (assumed 100%)
3. Solicit information and initiate verification or refer to SPLS; provide application for IV-D services	20 calendar days	AFDC: 61% (9,102) Non AFDC: 96% (399)
4. Provide application for in person requests	day of request	not tracked (standard SED procedure)
5. Provide application for written or telephone requests	5 working days	not tracked (standard SED procedure)
LOCATE ABSENT PARENT		
6. Access all local sources	30 calendar days	68% (3,917)
7. Access all sources	75 calendar days	62% (3,150)
8. Repeat attempts: automated sources/SLD	quarterly	not tracked (in progress)
9. Repeat attempts: FPLS	annual	reported annually
SERVE PROCESS		
10. Diligent efforts undertaken initially	NA	22% (5,906)
11. Diligent efforts repeated	quarterly	0% (1)
12. Diligent efforts documented	NA	(included in process service records)
ESTABLISH PATERNITY		Overall compliance standards 13-17 = 71% (3,084)
13. Establish paternity/exclude father	one year	see overall compliance
14. Obtain acknowledgment or refer to BCSE to refer to AG	20 calendar days	see overall compliance

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FUNCTION	REQUIRED TIMEFRAME	PERCENTAGE OF CASES IN COMPLIANCE (TOTAL NUMBER OF CASES) JULY-SEPT. 1992	
15. Refer to AG	10 calendar days	see overall compliance	
16. Obtain acknowledgment or refer to AG	30 calendar days	see overall compliance	
17. Obtain acknowledgment, complete service of process, or document unsuccessful attempts to serve	60 calendar days	see overall compliance	
ESTABLISH SUPPORT OBLIGATIONS			
18. Obtain agreement or court order or document unsuccessful attempts	90 calendar days	74 % (560)	
19. Obtain agreement or refer to AG	45 calendar days	72 % (1,109)	
20. Return documents approved or with instructions	15 calendar days	74 % (668)	
21. Complete service of process or document unsuccessful attempts	30 calendar days	22 % (5,898)	
22. Review dismissed cases	as scheduled	not tracked	
COLLECT SUPPORT PAYMENTS			
23. Deposit all collections	1 working day	not tracked (standard BCS practice)	
24. Post all payments	4 working days	93 % (319,758)	
ENFORCE SUPPORT OBLIGATIONS			
25. Identify cases of noncompliance and take steps to enforce obligation or locate obligor	Data re standards 25-31 will be reported beginning first quarter 1993 on the date of a 1 month delinquency	not tracked	
26. Review cases in which enforcement attempts have failed	as scheduled	not tracked	
27. Serve delinquency notice and send claim form	30 calendar days	not tracked	

TABLE 1. CURRENT CHILD SUPPORT ENFORCEMENT PERFORMANCE STANDARDS		
FUNCTION	REQUIRED TIMEFRAME	PERCENTAGE OF CASES IN COMPLIANCE (TOTAL NUMBER OF CASES) JULY-SEPT. 1992
28. Initiate withholding after serving delinquency notice	20 calendar days	not tracked
29. Serve wage withholding after confirming new employer	30 calendar days	not tracked
30. Take other enforcement actions not requiring service of process	30 calendar days	not tracked
31. Take other enforcement action requiring service of process	60 calendar days	not tracked
32. Submit IRS offset cases to OCSE	annually	reported annually
SERVE INTERSTATE CASES		
Central Registry:		
33. Review documentation, forward case, acknowledge receipt, and inform initiating state	10 working days	(SED tracks separately)
34. Respond to inquiries	5 working days	(SED tracks separately)
Responding State Functions:		
35. Provide any necessary services	as applicable	75 % (569)
36. Forward payments to initiating state	15 calendar days	not tracked
37. Notify initiating state of receipt of new information on a case	10 working days	not tracked
38. Provide location services, notify initiating state, and process to extent possible if documentation is inadequate	75 calendar days	(included in location reporting)
39. Forward and notify -- in-state location	10 working days	(included in location reporting)
40. Return or forward and notify -- out-of-state location	10 working days	not tracked
Initiating State Functions:		

TABLE 1. CURRENT CHILD SUPPORT ENFORCEMENT PERFORMANCE STANDARDS		
FUNCTION	REQUIRED TIMEFRAME	PERCENTAGE OF CASES IN COMPLIANCE (TOTAL NUMBER OF CASES) JULY-SEPT. 1992
41. Refer cases to SED after locating absent parent in another state	10 calendar days	(SED tracks separately)
42. Refer cases to responding state central registry after locating absent parent in another state	20 calendar days	(SED tracks separately)
43. Provide additional information or notify after receipt of request	30 calendar days	(SED tracks separately)
44. Notify responding state of receipt of new information	10 working days	(SED tracks separately)
CASE CLOSURE		
45. Notify custodial parent of intent to close case	60 calendar days prior to closure	not tracked (to be done 5/93)
46. Retain records for closed cases	3 years	not tracked (in progress)
Sources of Data: DHR Quarterly IV-D Performance Standards Report for July to September 1992 (March 17, 1993); DHR Initial Quality Assurance Review Report (December 16, 1992); DHR BCSE data on tracking status (April 1993).		